

## UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		AT	TORNEY DOCKET NO.
09/498,10	2 02/04/00	) LUCH		D	
<u> </u>		IM22/061:	。	EX	AMINER
Daniel Luch				CHAPMAN.M	
17161 Copper Hill Drive			•	ARTUNIT	PAPER NUMBER
Morgan Hi	11 CA 95037				6
				1753	. /-
				DATE MAILED:	
					06/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Application No.   Applicant(s)   Og/498, 102	,								
## Examiner			Application No.	Applicant(s)					
Period for Reply  A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  Educations of time may be available under the proteines of 3 CPE 1.138 (a). In no event, however, may a reply the limiting filled after SX (6) MONTHS from the mailing date of this communication.  If the protein of time may be available under the provinces of 3 CPE 1.138 (a). In no event, however, may a reply the limiting filled after SX (6) MONTHS from the mailing date of this communication.  If the protein of time system is the same is the same into the same of the same	Office Action Summary		09/498,102	LUCH, DANIEL					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of time may be available under the provisions of 3 CFE 1.136 (a). In no event, however, may a reply the limitery filled after SX (b) ACRITISS from the mining date of the communication, reply willing the communication of 3 CFE 1.136 (a). In no event, however, may a reply the limitery filled after SX (b) ACRITISS from the mining date of the communication, reply will be contained by the communication of 3 CFE 1.136 (a). In no event, however, may a reply the limitery filled after SX (b) ACRITISS from the mining date of the communication reply will be contained by the communication of the communication of 3 CFE 1.136 (a). In no event, however, may a reply the limitery filled after SX (b) ACRITISS from the mining date of the communication.  Fallow to reply will be the soft overanded principle for reply will by studied, cause the application to become ARANDOREO (35 U.S.C. \$ 135).  Fallow to reply will be sent of the soft overanded principle of the communication of the com			Examiner	Art Unit					
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CFR 1.13 (a). In no event, however, may a reply be timely filled after 5X (6) MCNT15 from the mailing date of this communication.  If the provision of the communication of the com									
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Art Unit: 1753

## **DETAILED ACTION**

## Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 2-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 5,735,966. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art that the claimed combination is directly related to the intermediate already patented for the same intended use in photovoltaic applications.

## Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Page 3

Application/Control Number: 09/498,102

Art Unit: 1753

4. Claims 2-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yoshida (5,421,908). Yoshida teaches the claimed photovoltaic cell and substrate combination with conductive and insulation regions (col. 7 lines 23-36), the holes through the substrate filled with conductive solder (col. 8-9), and series connection of a number of cells (col. 9-11), and the position of the metal foils (figures).

- 5. Claims 2-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yoshida (5,626,686). Yoshida teaches the claimed photovoltaic cell and substrate combination with conductive and insulation regions, the holes through the substrate filled with conductive solder, and series connection of a number of cells, the overlap of the metal foil and conductive region of the substrate, and the physical relationship of the various parts of the array (col. 5 line 31, col. 7 line 3, and figures).
- 6. Claims 2-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Grimmer (5,385,848). Grimmer teaches the claimed photovoltaic cell and substrate combination with conductive and insulating regions and series connection of a number of cells, the physical relationship of parts of the array, and laminating the substrates to the solar cells (col. 3-9 and figures).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Chapman whose telephone number is 703-308-4430. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 703-308-3322. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-305-3599 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.

Mark A. Chapman Primary Examiner Art Unit 1753

MC June 17, 2001